

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

FILED
BILLINGS DIV.

2009 JAN 22 PM 1 27

PATRICK E. DUFFY, CLERK

BY

DEPUTY CLERK

KIMBERLEE GREENOUGH,

Plaintiff,

vs.

**SAFECO INSURANCE
COMPANY OF ILLINOIS,**

Defendants.

CV-08-74-BU-REC

**ORDER ADOPTING FINDINGS
AND RECOMMENDATION OF
U.S. MAGISTRATE JUDGE**

On December 18, 2008, United States Magistrate Judge Carolyn Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends that Plaintiff be granted 14 days to file a proper amended complaint and that the Motion to Join Bill Hilsendeger as a Party and Remand the Action to State Court Pursuant to 28 U.S.C. § 1447(e) be granted and this matter be remanded to state court for lack of jurisdiction.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the December 18, 2008 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all

objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

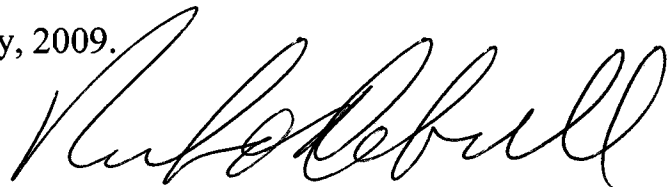
After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

It appears that Plaintiff's Amended Complaint has already been filed and Defendants have filed their Answer to the Amended Complaint. The Amended Complaint should have been lodged, per the Findings and Recommendation of Judge Ostby. In any event, leave is granted for Plaintiff to file her Amended Complaint.

IT IS HEREBY ORDERED that Plaintiff's Motion to Join Bill Hilsendeger as a Party and Remand the Action to State Court (*Doc. 6*) is **GRANTED**.

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 22nd day of January, 2009.



RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE